IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

LA.App..No. 792 of 2005()

LAR.190/2001 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: RESPONDENT:

THE STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ KUMAR

RESPONDENTS: CLAIMANT:
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1. BALAN P.P.,
PANAMKUNNU PARAMBATH, P.O. VENGERI-673 010.

2. THE SECRETARY,
CALICUT CORPORATION.

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 06/02/2007, ALONG WITH L.A.A.NO.1127/2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

L.A.A.Nos.792, 1127, 1392 of 2005
& L.A.A.No. 61 of 2006

Dated this the 6th day of February, 2007

JUDGMENT

Kurian Joseph,J.

These appeals arise out of a common judgment in L.A.R.No.411/2000 and connected cases on the file of the Sub Court, Kozhikode. The acquisition is for widening Thadampattuthazham-Parambikadavu road. On the side of the claimants, Ext.A1 document was marked. A Commission was taken and the report and sketch were marked as Exts.C1 and C2. There was no evidence on the part of the respondents. The claimant was also examined. On evidence the reference court found that 17.23 cents which is used for taking laterite stone was sold at the relevant time for Rs.2,58,450/-. Therefore, the value per cent was Rs.15,000/-. The reference court further held that if such a barren land used only for extraction of laterite stone could be valued at Rs.15,000/- per cent it was only just, fair and reasonable to award 30% more to the acquired lands since those lands were situated at a commercially important area. The learned Government Pleader

submits that there was no evidence available before the Court below to grant such enhancement. We are afraid the contention cannot be appreciated. The report of the Commission and the sketch would indicate otherwise. All that apart, there is no evidence on behalf of the appellants. Still further it is seen that there is no appeal in some of the reference cases namely L.A.R.Nos.26/2001, 35/2001 and 135/2001.

For all the above reasons we do not find any merit in these appeals. They are accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

ahg.